

Remarks

In response to the Non-Final Office Action mailed December 12, 2008 ("Office Action"), claims 1-3 and 6-8 have been cancelled without prejudice or disclaimer and claims 9-28 are newly added. In addition, a replacement Abstract is provided. Support for the new claims and replacement Abstract may be found throughout the embodiments disclosed in the originally filed Specification. No new matter has been added. Accordingly, claims 9-28 are pending.

Reconsideration and allowance of the pending claims based on the following remarks are respectfully requested.

OBJECTION TO THE SPECIFICATION

The Amendment filed on August 24, 2008 was objected to under 35 U.S.C. § 132(a) because it allegedly introduced new matter to the disclosure. In particular, the Office Action asserts that the recitation "wherein heights of said first pixel elements are different from heights of second pixel electrodes in a cross-section direction of the display device," is not supported by the original disclosure. Applicant disagrees with the propriety of this objection.

However, solely to expedite prosecution, claims 1-3 and 6-8 have been cancelled, which include the subject matter which was allegedly unsupported by the original disclosure.

Accordingly, the objection is moot and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

I. Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action asserts that the recitation "wherein heights of said first pixel elements are different from heights of second pixel electrodes in a cross-section direction of the display device," is not supported by the original disclosure. Applicant disagrees with the propriety of this rejection.

However, solely to expedite prosecution, claims 1-3 and 6-8 have been cancelled, which include the subject matter which was allegedly unsupported by the original disclosure.

Accordingly, the rejection of claims 1-3 and 6-8 under 35 U.S.C. § 112, first paragraph, is moot and should be withdrawn.

II. Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action asserts that the recitation "wherein heights of said first pixel elements are different from heights of second pixel electrodes in a cross-section direction of the display device," is not supported by the original disclosure. Applicant disagrees with the propriety of this rejection.

However, solely to expedite prosecution, claims 1-3 and 6-8 have been cancelled, which include the subject matter which was allegedly unsupported by the original disclosure.

Accordingly, the rejection of claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph, is moot and should be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Japanese Patent Application Publication No. JP 2001-305525 to Ono ("Ono")¹ in view of U.S. Patent No. 6,819,309 to Kishi ("Kishi") and further in view of U.S. Patent Application Publication No. 2003/0227253 to Seo et al. ("Seo"). Applicant disagrees with the propriety of this rejection.

However, solely to expedite prosecution, claims 1-3 and 6-8 have been cancelled.

Accordingly, the rejection of claims 1-3 and 6-8 under 35 U.S.C. § 103(a) over Ono in view of Kishi and Seo is moot and should be withdrawn.

¹ The Office Action provided a machine translation of Ono. Applicant, however, does not concede that this is an accurate translation of Ono. Accordingly, Applicant submits that the Examiner continues to rely on the disclosure of Ono, that the Examiner must provide a proper English language translation thereof. See MPEP § 706.02 II.

NEW CLAIMS 9-28

Claim 9 recites an organic electro-luminescence display device comprising, *inter alia*, the features of: (i) first pixels formed over an optically transparent substrate, each of the first pixels including a first organic electro-luminescence element, which includes a first optically transparent and electrically conductive layer, an organic layer including a light-emitting layer, a second optically transparent and electrically conductive layer and a first optically reflective and electrically conductive layer in order, and (ii) second pixels formed over the optically transparent substrate, each of the second pixels including a second organic electro-luminescence element which includes a second optically reflective and electrically conductive layer, the first optically transparent and electrically conductive layer, the organic layer including the light-emitting layer and the second optically transparent and electrically conductive layer in order.

Accordingly, the first organic electro-luminescence element and the second organic electro-luminescence element commonly share layers (i.e., the first optically transparent and electrically conductive layer, the organic electro-luminescence layer and the second optically transparent and electrically conductive layer). On the other hand, the first organic electro-luminescence element and the second organic electro-luminescence element have different layers (i.e., the first optically reflective and electrically conductive layer under the second optically transparent and electrically conductive layer, and the second optically reflective and electrically conductive layer on the first optically transparent and electrically conductive layer, respectively).

Therefore, since the two pixel structures include common layers, a thinner organic electro-luminescence display device can be realized having the capability of displaying different images on both its front and back panels.

The cited references: Ono, Kishi and Ono, when viewed either alone or in combination, fail to teach or otherwise render obvious at least these features.

Ono discloses a liquid crystal display device having a single crystal 1 for simultaneously displaying the same image from both surfaces of the devices. [See Ono, Abstract]. The first and second electrodes 2, 3 (which the Office Action alleges are pixel elements) are configured to selectively reflect or transmit light that is emitted from the

crystal 1. However, they are not organic layers configured to transform electric energy into light, nor do they share common layers, as claimed.

Kishi does not overcome the deficiencies of Ono, either. For example, Kishi discloses first and second display media M1 and M2, which are respectively connected to the first and second display electrodes 4 and 5. However, the display media M1 and M2 are located on opposite sides an intermediate substrate 2 and, thus, are they do not share common layers, as claimed. [See, Kishi, col. 4, lines 14-34, FIG. 1].

Nor does Seo. Applicant submits that Seo is not prior art that may be applied against the claimed invention. In fact, Seo was filed in the U.S. on January 16, 2003 subsequent to Japanese Patent Application No. JP 2002-248942 filed on August 28, 2002, which both the International (PCT) Application No. PCT/JP2003/010850 filed on August 27, 2003 and the present application claim priority to and are entitled the benefit of the filing date thereof. [See 35 U.S.C. § 365(b); MPEP § 201.13(b)]. Indeed, the Examiner acknowledged Applicant's claim for foreign priority and that certified copies thereof have been received on the PTOL-326 Form accompanying the Office Action mailed November 14, 2007. And even if it might (which Applicant does not concede), Seo does not appear to teach two pixel structures having at least some common layers as claimed.

* * *

Accordingly, Applicant submits that independent claim 9 is patentable over Ono in view of Kishi and further in view of Seo. For reasons that should be apparent for the discussion of claim 9, above, Applicant submits that independent claims 20 and 25 are also patentable. Dependent claims 10-19, 21-24 and 26-28 depend from independent claims 9, 20 and 25, respectively, and are patentable for the same reasons and claims 9, 20 and 25 and for the additional features they recite individually.

Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully submitted,



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